



PIMA COUNTY
DEVELOPMENT SERVICES

DATE: May 4, 2016
TO: BOARD OF ADJUSTMENT, District 1
FROM: Terrill L. Tillman, Assistant Executive Secretary 
SUBJECT: **P16VA00012 PLAZA DEL ORO, LLC – N. ORACLE ROAD**
Scheduled for public hearing on June 6, 2016

LOCATION:

The subject property is located approximately 200 feet north of the northeast corner of W. Orange Grove Road and N. Oracle Road with an address of 6440 N. Oracle Road. The property is zoned CB-1 (Local Business) zone.

SURROUNDING ZONING / LAND USES:

North	CR-5	Residential Townhouses
South	CB-1	Shopping Center
East	CR-5	Single Family Residential
West	CB-1	Shopping Center

PUBLIC COMMENT:

To date, no public comments have been received.

PREVIOUS CASES ON PROPERTY:

There has been no previous Board of Adjustment case on this property.

REQUEST:

The applicant requests a variance to exceed the scenic route height limitation of 24 feet. Section 18.77.040Eb of the Pima County Zoning Code requires a twenty-percent view corridor to exceed the scenic route height limitation of 24 feet.

TRANSPORTATION AND FLOOD CONTROL REPORT:

Transportation and Flood Control may review this proposed sign at the time of permitting.

BACKGROUND:

The subject property is approximately 8.87 acres in size and is zoned CB-1. The development is from the existing approved one-lot subdivision plat for Plaza Del Oro, Lot 1 that was recorded in 1976. A development plan for the shopping center was approved and permits were issued and finalized for the shopping center (34-01-41) in 1976. A subsequent development plan (P1205-099) was approved in 2005 for the addition of a cell tower. The project was built in conformance with the approved development plan at a height of 25 feet.

The subject property lies along both Oracle Road and Orange Grove Road which are classified as Major Streets and Scenic Routes (MSSR) according to the Major Streets and Routes Plans



that came into existence in 1985. The development pre-dated the Major Street and Scenic Routes requirements of the code. The Pima County Zoning Code allows for a commercial project to exceed the height limitation of 24 feet if a view corridor of 20% is provided. Since this development pre-dated the MSSR requirement, the applicant has no ability to meet this standard of the code and is considered a legal non-conforming building. With a legal non-conforming building, any proposed new construction requires the building to conform to all aspects of the current zoning code. This MSSR height requirement applies only to the portions of the building that lie within the 200 foot area of applicability adjacent to both of the major streets and scenic routes. The applicant is proposing to increase the height to 34 feet for the parapets to extend higher than the existing building in segments of the existing building.

This variance addresses the existing non-compliance of the building height and the proposed increased height for the remodel and upgrade to the existing shopping center in order to provide tenants the appropriate exposure necessary for a viable business operation.

The applicant has taken into account that the proposal may affect the surrounding neighborhoods and has been pro-active in outreach to them to address their concerns as demonstrated by the attached letter to the properties most affected by this request.

Staff supports this request due to the fact that the development has been a legal non-conforming development since 1976 and the strict application of the code would create an unnecessary hardship to the property owners.

RECOMMENDATION:

Staff recommends **APPROVAL** of the variance request. The increased height is reasonable since it does not encompass the building as a whole. The variance is not granted solely to increase the economic return from the property and does not appear to cause injury or adversely affect the rights of surrounding property owners and residents as noticed by the lack of public comment.

Standards that must be considered by a board of adjustment when considering a variance request include:

1. The strict application of the provision would work an unnecessary hardship;
2. The unnecessary hardship arises from a physical condition that is unusual or peculiar to the property and is not generally caused to other properties in the zone;
3. The unnecessary hardship does not arise from a condition created by an action of the owner of the property;
4. The variance is the minimum necessary to afford relief;
5. The variance does not allow a use which is not permitted in the zone by the Code;
6. The variance is not granted solely to increase economic return from the property;
7. The variance will not cause injury to or adversely affect the rights of surrounding property owners and residents;
8. The variance is in harmony with the general intent and purposes of the Code and the provision from which the variance is requested;



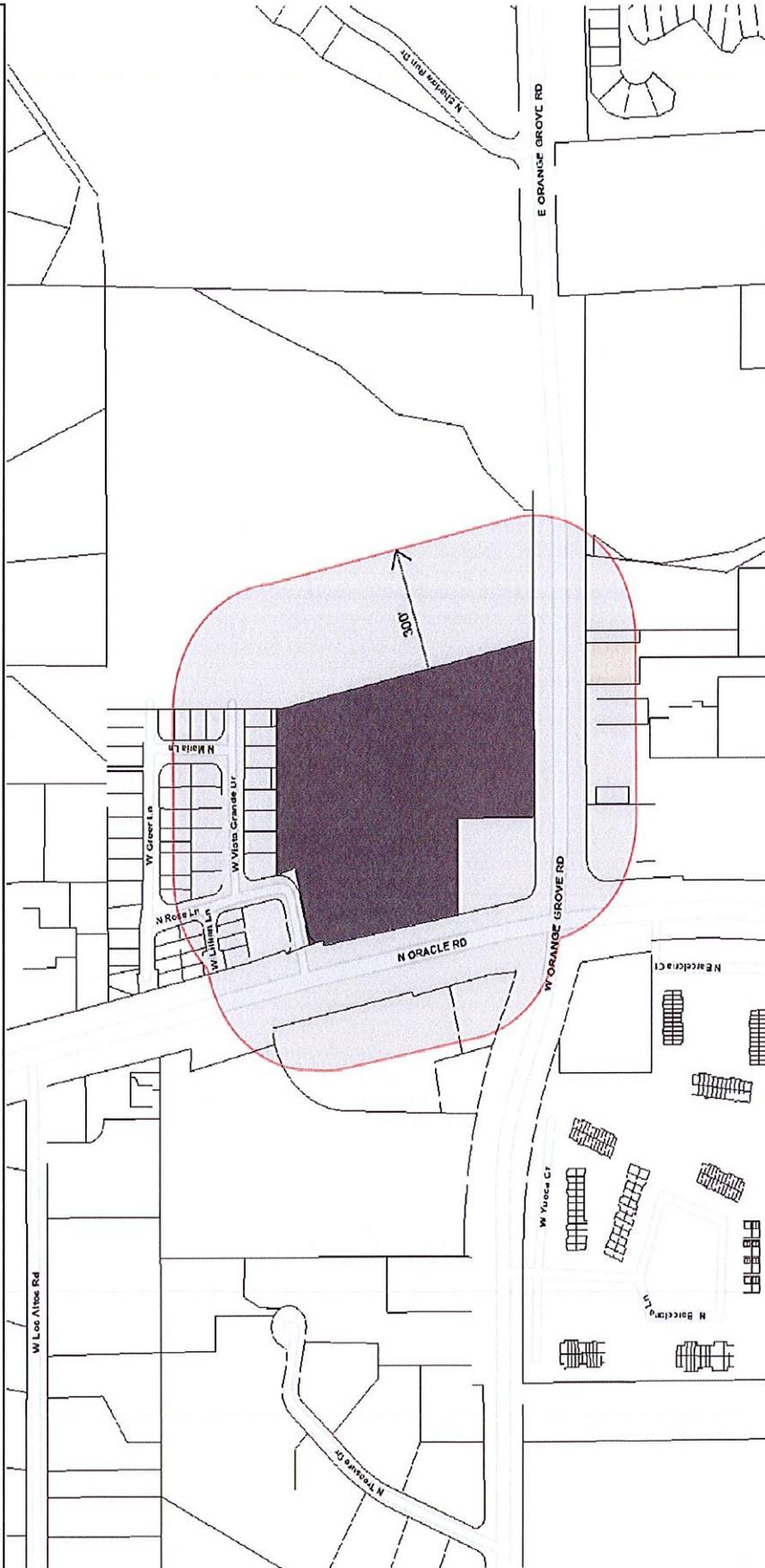
PIMA COUNTY

DEVELOPMENT SERVICES

9. The variance does not violate State law or other provisions of Pima County ordinances;
10. The hardship must relate to some characteristic of the land for which the variance is requested, and must not be solely based on the needs of the owner;
11. If the variance is from a sign or advertising structure area limitation, no reasonable use of the property can be made unless the variance is granted;
12. If the variance is from a height limitation, no reasonable use of the property can be made unless the variance is granted.

NOTIFICATION MAP

PLAZA DEL ORO LLC—N. ORACLE ROAD



LEGEND

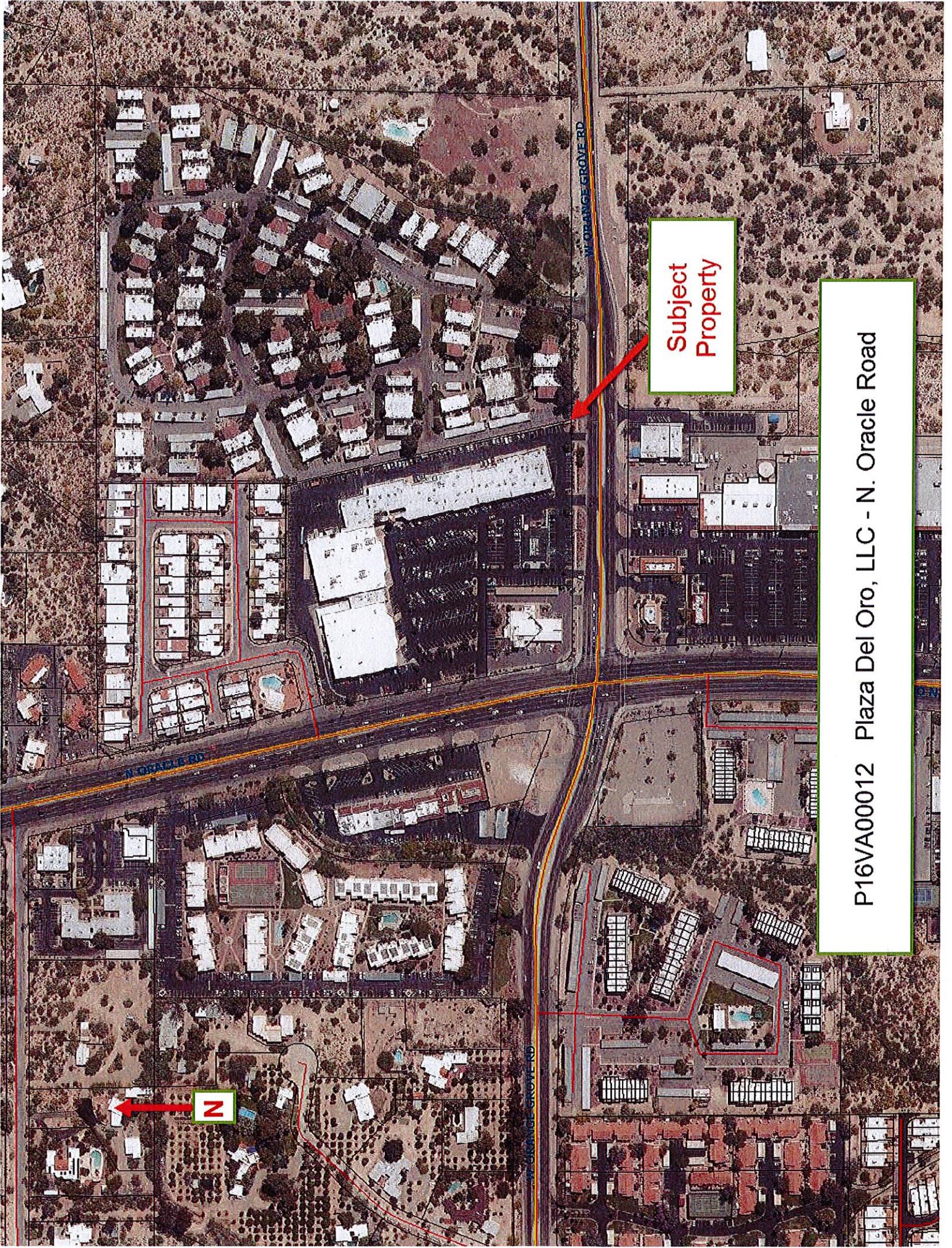
- Petition Area
- Notification Area

NOTES

File no.:	P16VA00012	Tax Code(s):	102-02-0130; -700A
Application:	VARIANCE	Base Map:	77
	0	Drafter:	A.H.
	■■■■■■■■■■		
	300'		



5/13/2016



Subject
Property

P16VA00012 Plaza Del Oro, LLC - N. Oracle Road

N



Town West Design Development, Inc.

Design/Development/Construction

3002 N. Campbell Ave., Suite 200 / Tucson, Arizona 85719

April 19, 2016

Via Certified Mail

La Serena Homeowners Association
PO BOX 36351
Tucson, AZ 85740

Orange Grove Village, LLC
2870 N Swan Rd. Suite 100
Tucson, AZ 85712

Dahlstrom Oracle Orange Grove, LLC
2730 E Broadway Blvd. Suite 200
Tucson, AZ 85716

RE: Improvements at Plaza Del Oro Shopping Center (NE Corner of Oracle Rd. and Orange Grove Rd.)

Dear Neighbors:

The Plaza Del Oro shopping center will soon be undergoing a major renovation that will greatly improve the existing buildings. These changes will greatly enhance the future viability of the center for many years to come.

Two high quality national tenants, CVS and Hobby Lobby will be incorporated into the center by completely remodeling the north wing of the center that currently includes Ace Hardware, CVS and Kampai Sushi.

CVS will move to new remodeled space on the west end of the north wing, Ace Hardware will be leaving the center to a new location, Kampai sushi will be relocated within the existing center on the east wing of the center, and Hobby lobby will move into the space left after CVS relocates and Kampai Sushi moves to it's new location.

The north wing will be completely remodeled and newly finished on the north, west, south and east exterior elevations.

This upgrade is necessary to be competitive with other shopping centers. One of the criteria that national tenants are requiring in today's market is a building that is at least 34 feet high at the main entrances, and can be reduced to 30 feet in other areas. The current buildings in the center are 25 feet high although the CB-1 zoning allows a building height of up to 39 feet high. However, because Oracle Road falls under the Scenic route overlay zone, the height of any buildings within 200 feet of the Oracle Road Property line is limited to 24 feet per the Pima County Zoning Code Section (18.77.040 . E.1 b. 2). Because of this, the Plaza del Oro owners will be requesting a variance from the Pima County Board of Adjustment to allow an increase of the current building height from 25 feet to 34 feet within the 200 foot setback area

The Plaza Del Oro owners would like the opportunity to meet with the surrounding neighbors to present the planned upgrades to the center, and listen to any concerns the neighbors may have and address them if possible. The owners would like to have this opportunity to meet before making a formal application for the variance and hopefully obtain the neighbors' support for this project.

The variance application must be submitted by April 29th in order to be scheduled for a public hearing on June 16, 2016. Please contact me by April 25th in order to set a meeting time prior to the application due date. The best way to reach me is by phone at (520) 615-7707 or email at toBY@townwestrealty.com. Thank you in advance for your attention to this matter.

Sincerely,



Toby Horvath
Project Manager
Town West Design Development, Inc.
On behalf of Plaza Del Oro, LLC

Enclosures

Cc: Raul Reyes, via email
Terri Tillman, via email to Terri.Tillman@Pima.Gov



PIMA COUNTY
DEVELOPMENT SERVICES

Variance Application

Revised 12/2013

(Please print or type) **NO PENCIL**

Property Owner: Plaza Del Oro LLC Phone: 520-615-7707

Owner's Mailing Address: 3002 N. Campbell Ave. suite 200 City: Tucson, AZ Zip: 85719

Authorized Representative: Raul Reyes Phone: 520-615-7707

Rep's Mailing Address: 3002 N. Campbell Ave. suite 200 City: Tucson, AZ Zip: 85719

Property Address: 6400 N. Oracle Road City: Tucson Zip: 85705

Tax Code Number(s): 102 - 02 - 0130 Zone: CB-1

Does the subject parcel have an active building or zoning code violation? no

Owner or Applicant's Email Address: raul@townwestdd.com

I, the undersigned, swear that all the facts in this application are true to the best of my knowledge, that I will appear in person at public hearing to present the request, that I have read and understood the board of adjustment guidelines and procedure for granting a variance, and that I am able and intend to apply for all necessary county permits for construction and use of the property within nine months of receiving an approval of my variance request.

Signature: *Raul Reyes* Date: 04/27/2016

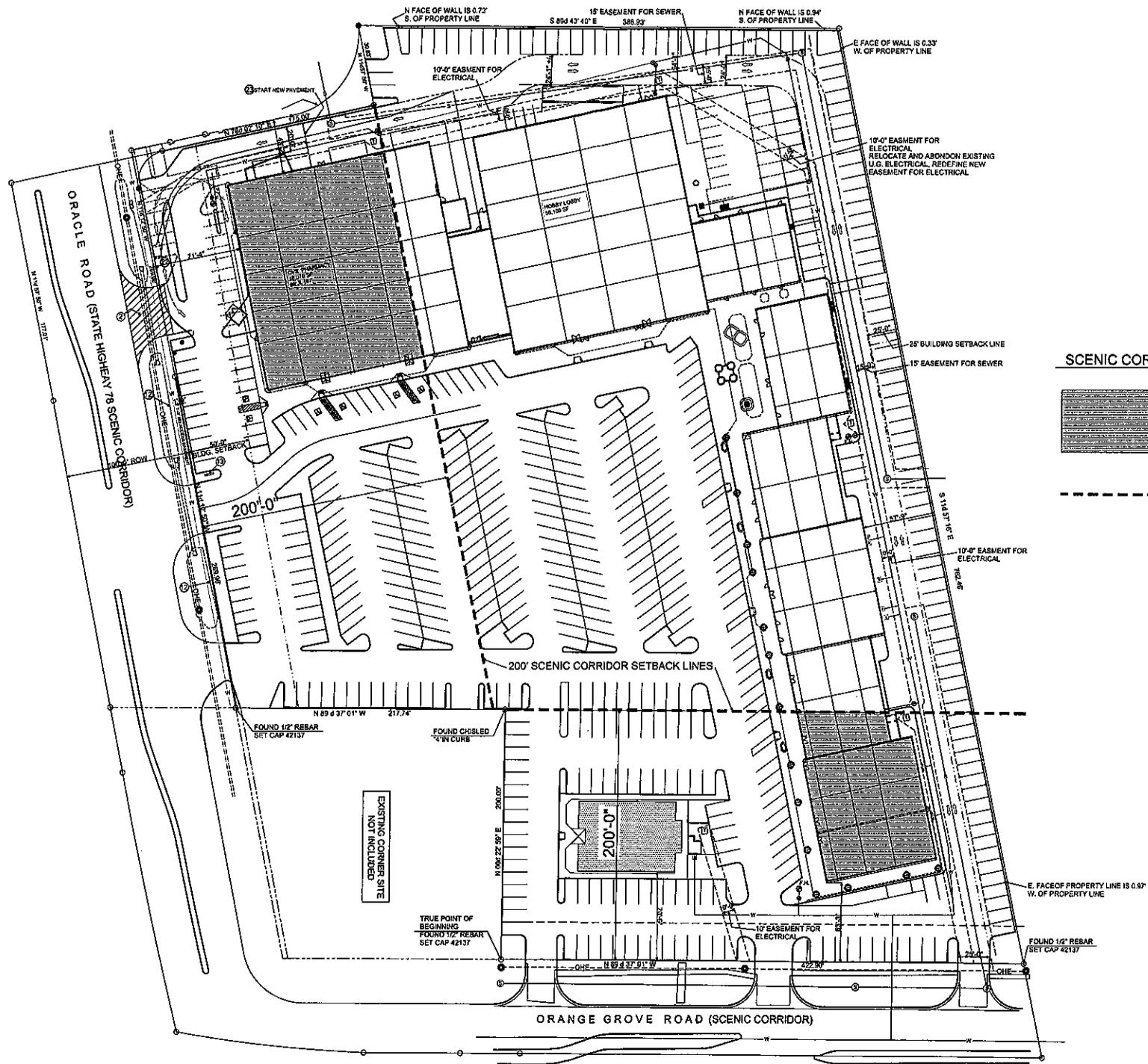
INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED

*****FOR OFFICE USE ONLY*****

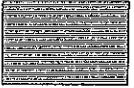
Case Title: Plaza Del Oro LLC - N. Oracle Rd PI16VA00012
OWNER'S NAME - STREET NAME (EX. JONES- E. SPEEDWAY BOULEVARD)

requests a variance(s) to Section(s) 18.77.040 E-b of the Pima County Zoning Code which requires a view corridor of 20% is required to exceed the maximum height of 24 feet

REC'D AT DEVELOPMENT SERVICES - PLANNING DIVISION BY D.P. DATE 4/27/16



SCENIC CORRIDOR LEGEND:

 PORTION OF EXISTING BUILDING WITHIN 200' SCENIC CORRIDOR SETBACK

 200' SETBACK LINE FROM PROPERTY (ROW) LINE

OVERALL SITE PLAN
SCALE 1" = 40'-0"



MAIL RETEL A.I.A.
TOWNWEST
PLAZA DEL ORO RETAIL CENTER, 2018 VARIANCE
N.E. CORNER OF ORACLE RD. & ORANGE GROVE RD.
TUSCON, ARIZONA
TOWNWEST DESIGN AND DEVELOPMENT, INC.

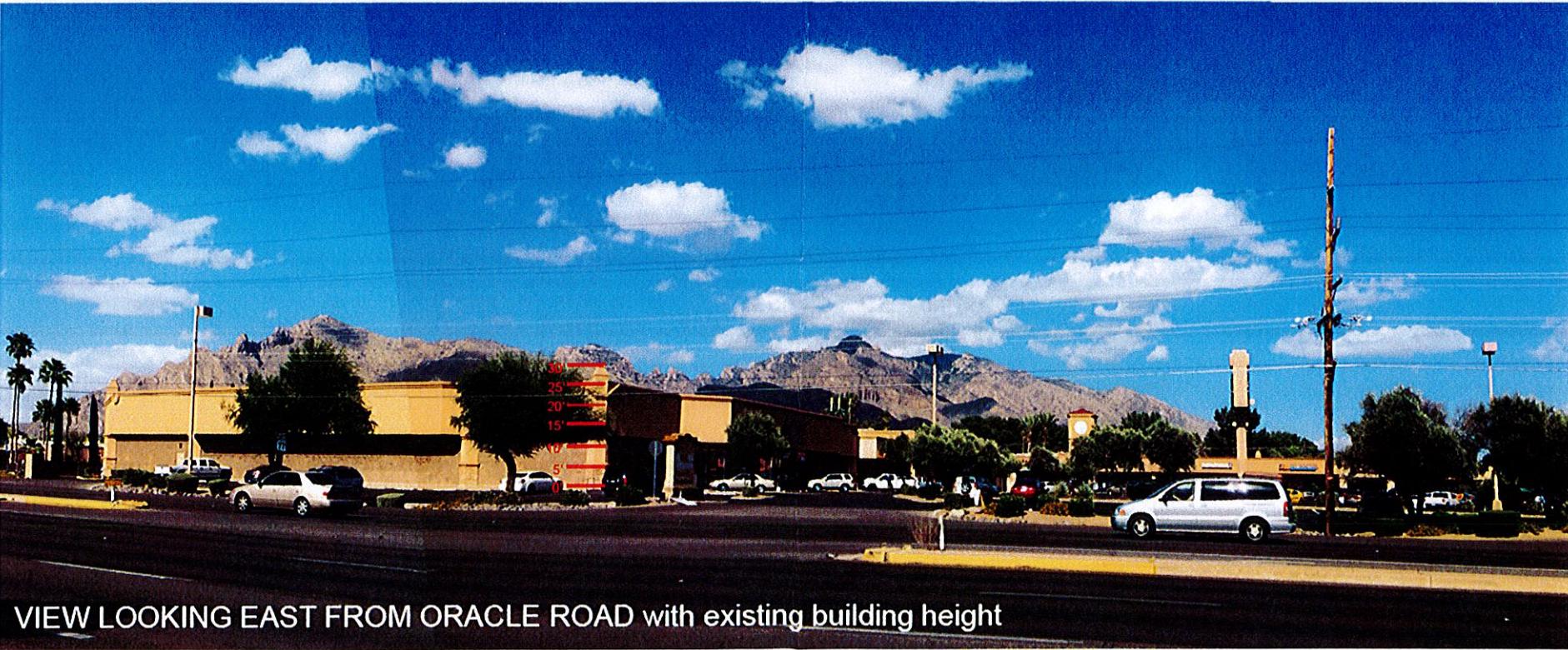
REVISIONS

DATE: 04/29/2016
JOB NO.: CASHL_2016

DWG NO.: **A-0.2**



VIEW LOOKING EAST FROM ORACLE ROAD with new proposed building height

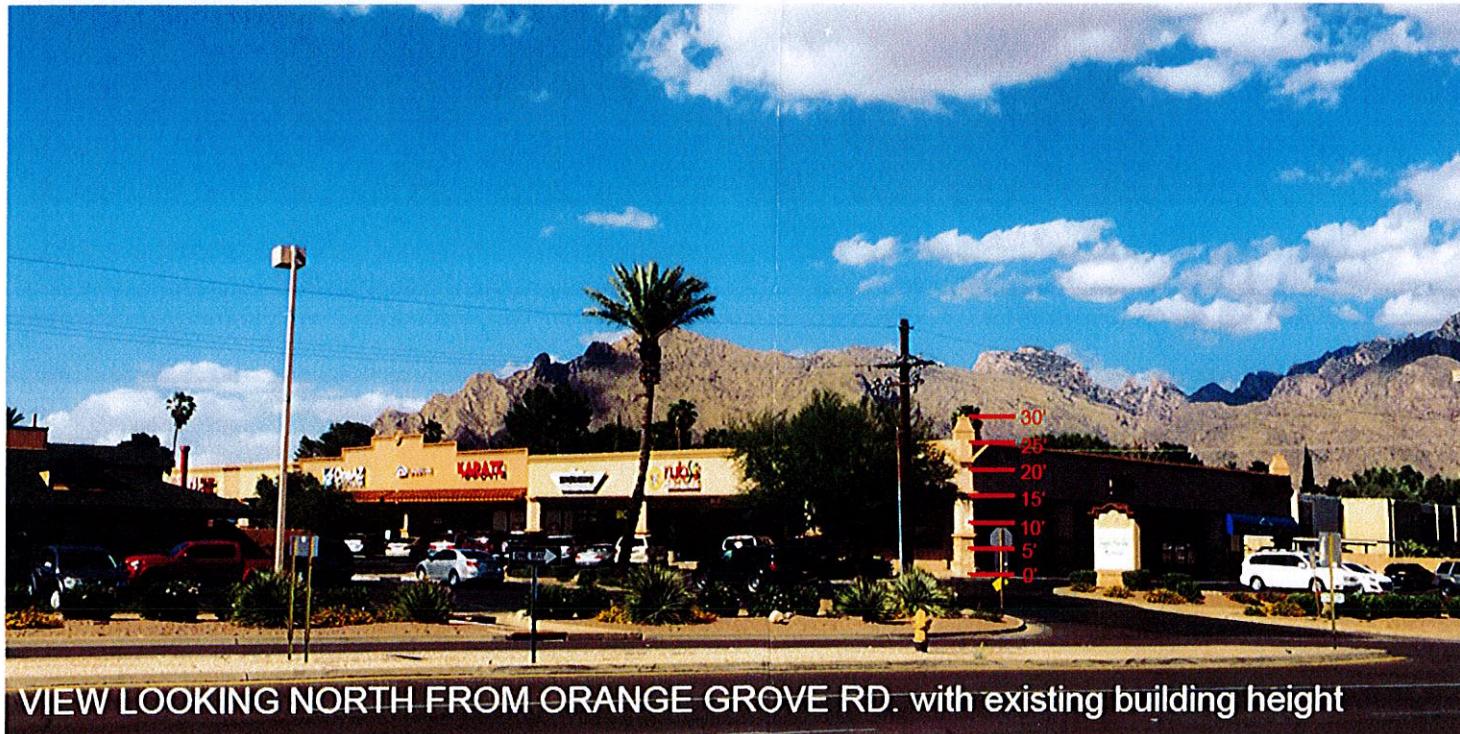


VIEW LOOKING EAST FROM ORACLE ROAD with existing building height

T **W**
Town West Design Development, Inc.
Design/Development/Construction
3002 N. Campbell Ave., Suite 200 / Tucson, Arizona 85719



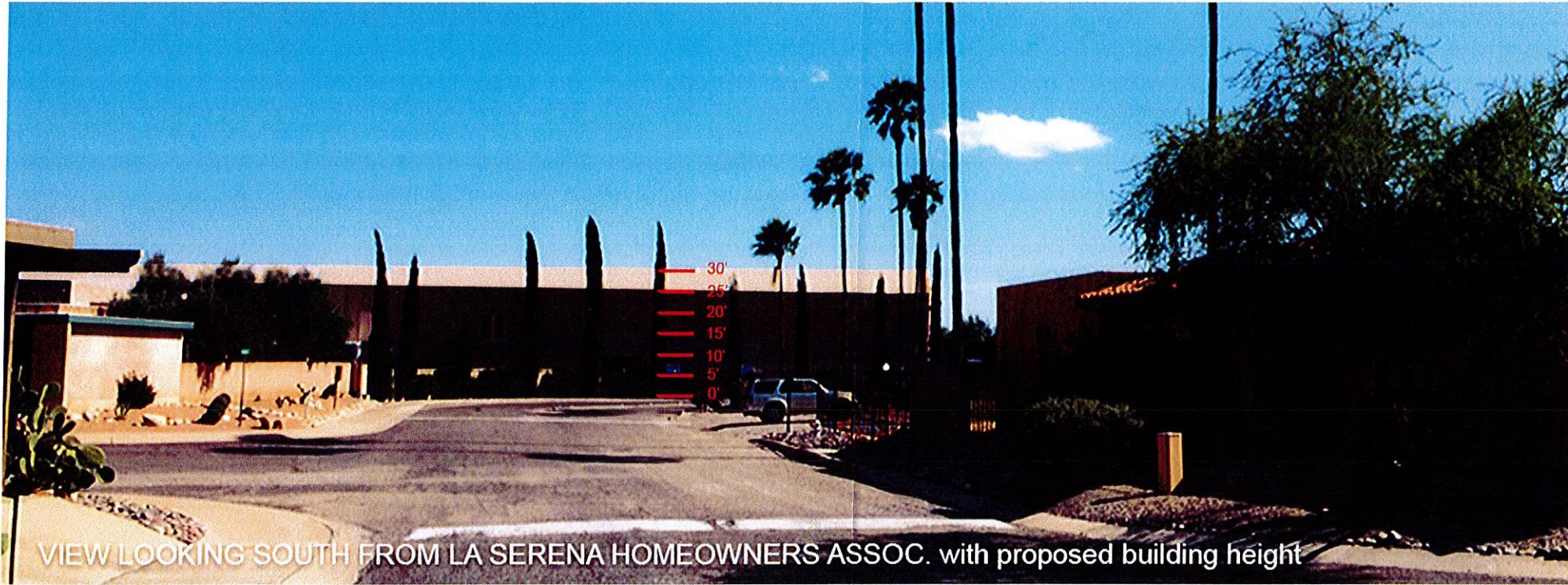
VIEW LOOKING NORTH FROM ORANGE GROVE RD. with proposed building height



VIEW LOOKING NORTH FROM ORANGE GROVE RD. with existing building height

T W Town West Design Development, Inc.

Design/Development/Construction
 3002 N. Campbell Ave., Suite 200 / Tucson, Arizona 85719



VIEW LOOKING SOUTH FROM LA SERENA HOMEOWNERS ASSOC. with proposed building height



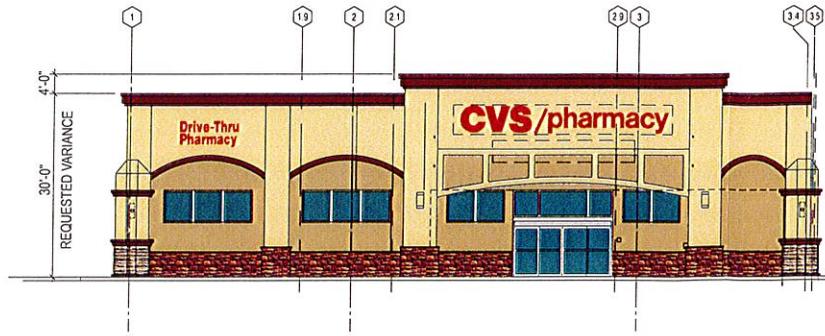
VIEW LOOKING SOUTH FROM LA SERENA HOMEOWNERS ASSOC. with existing building height



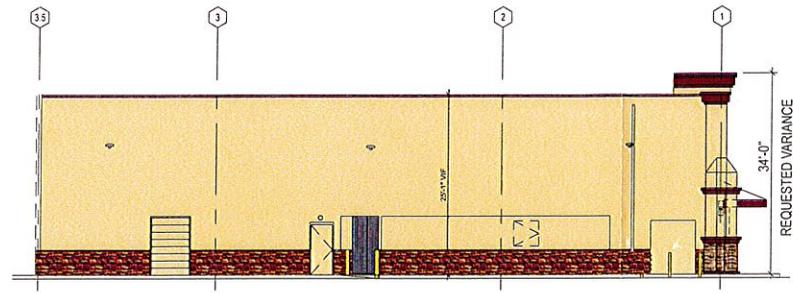
Town West Design Development, Inc.

Design/Development/Construction

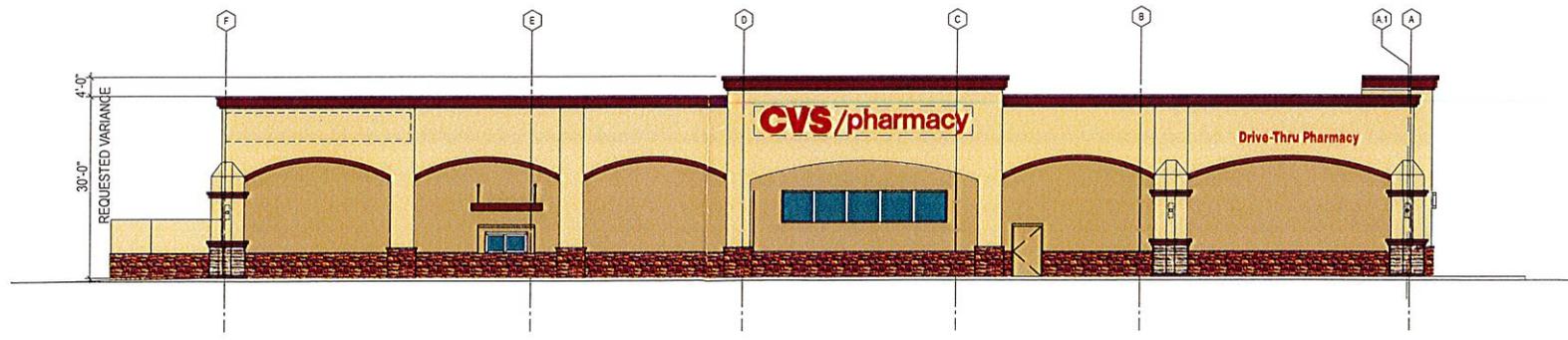
3002 N. Campbell Ave., Suite 200 / Tucson, Arizona 85719



SOUTH ELEVATION (FRONT)
SCALE 1/8" = 1'-0"



NORTH ELEVATION
SCALE 1/8" = 1'-0"



WEST ELEVATION (SIDE)
SCALE 1/8" = 1'-0"

EIFS/Stucco
STO Corp
NA01-0048
"Pale Yellow"

EIFS/Stucco
STO Corp
"Raftertail"

EIFS/Stucco
STO Corp
NA01-0047
"Terra Cotta"



EXISTING STONE
VENEER ON COLUMNS
THROUGHOUT THE
EXISTING CENTER

CORONADO STONE:
Idaho drystack cape cod grey



PROPOSED STONE
VENEER WAINSCOT
MATERIAL TO REPLACE
COLORED BLOCK
ANGELUS
TERRA COTTA

CORONADO STONE:
country castile chablis



PAUL REYES, AIA
TOWNWEST
ARCHITECTS
1200 N. GARDEN AVENUE, SUITE 100
TUMACACI, ARIZONA 85701
TEL: 520.843.7887
FAX: 520.843.7887

EXTERIOR ELEVATIONS (SOUTH & WEST-NEW)
PLAZA DEL ORO RETAIL CENTER 2016 REMODELING
N.E. CORNER OF ORACLE RD. & ORANGE GROVE RD.
TUMACACI, PIMA COUNTY, ARIZONA
TOWNWEST DESIGN AND DEVELOPMENT, INC.

REVISIONS

DATE	04/21/2016
JOB NO.	CVSHL_2016

DWG NO.
A-6.3



Town West Design Development, Inc.

Design/Development/Construction

3002 N. Campbell Ave., Suite 200 / Tucson, Arizona 85719

Board of Adjustment District 1 Board members,

I request a variance on behalf of the project Owners, to increase the allowable building height for the Plaza Del Oro shopping center along North Oracle Road and Orange Grove Road within the 200 foot Scenic Route Setback from 24' to 30' and 34'.

The current restriction limiting the height to 24' makes it a hardship to compete for tenants with other property also zoned CB-1 that does not have this restriction.

This upgrade is necessary to be competitive with other shopping centers. One of the criteria that national tenants are requiring in today's market is a building that is at least 35 feet high at the main entrances, and can be reduced to 30 feet in other areas. The current buildings in the center are 25 feet high, with some projections that extend to 30'. The CB-1 zoning normally allows a building height of up to 39 feet high; however, because Oracle Road and Orange Grove Roads fall under the Scenic Route Overlay Zone, the height of any buildings within 200 feet of the Oracle Road or Orange Grove Road Property lines is limited to 24 feet per the Pima County Zoning Code Section (18.77.040 . E.1 b. 2).

This shopping center was constructed in 1976, before Oracle Road or Orange Grove road were designated as Scenic Routes. Without demolishing some of the existing buildings, there is not the possibility of having the view corridor exemption in the zoning ordinance that would normally allow up to the full 39' height in this CB-1 zone within the Scenic Corridor setback.

We do not believe that this request will significantly affect the views from Oracle Road, Orange Grove Road or the La Serena Homeowners Assoc.

The existing north wing buildings would be totally remodeled for CVS and Hobby Lobby, the two new proposed major tenants. The remodeling would conform to the Commercial Design Manual as regulated under Pima County Code Section 18.39.

The additional parapet height would also serve to more adequately visually screen new and existing rooftop air conditioning units and help to better contain noise from the units to the benefit of La Serena Homeowners Assoc. neighbors to the north.

Thank you for your time and consideration on this matter.

A handwritten signature in black ink, appearing to read 'Raul Reyes', with a stylized, cursive script.

Raul Reyes
Vice President/Architect
Town West Design Development, Inc.
3002 N. Campbell Ave. suite 200
Tucson, Arizona 85719